

REMARKS

This is in response to the Office Action of February 21, 2007. Claims 13-15 are pending in the application, of which claims 14 and 15 stand withdrawn from consideration. The Examiner is respectfully request to rejoin claims 14 and 15 with claim 13, it being noted that both of claims 14 and 15 are drawn to methods of using the microorganism of claim 13.

The sole rejection remaining in this application is the rejection of claim 13 under the first paragraph of 35 U.S.C. §112. The Examiner implicitly recognizes Applicants' deposit of the requisite biological materials. However, the Examiner indicates that the record in this application is missing an assurance – as required by 37 CFR 1.808(a)(2) – that all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of the patent. Applicants hereby affirm that all restrictions imposed by the depositor on the availability to the public of the deposited material (IFO 16579) will be irrevocably removed upon the granting of the patent. Accordingly, it is submitted that Applicants have satisfied the relevant requirements of the statute, thereby obviating the sole remaining ground of rejection in this application.

It is respectfully submitted that the sole outstanding rejection has been addressed and overcome. Accordingly, withdrawal of the rejection, and passage of this application to Issue, are earnestly solicited.

If there are any questions concerning this application, the Examiner is invited to contact Applicants' representative Richard Gallagher, Reg. No. 28,781, at (703) 205-8008.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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